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2837

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mathew McPherson  
Application No.: 09/852253  
Filed: May 9, 2001  
For: Arrangement of a Sound Hole & Construction of a Sound Hole Board in an Acoustic Guitar  
Examiner: Shih Yung Hsieh  
Group Art Unit: 2837

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: M55.2R-9120-US02

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TRANSMITTAL LETTER

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1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached:  
**2 pages Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application; 2 pages Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent; 14 pages Second Brief on Appeal in response to Notice of Non-Compliance dated October 24, 2003; 1 check #39956 in the amount of \$110.00; and Return Postcard.**
2. With respect to fees:  
 No additional fee is required.  
 Attached is check #39956 in the amount of \$110.00 for Terminal Disclaimers.  
 Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the

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Commissioner, please charge the additional fees to Deposit Account No. 22-0350.  
Please charge any additional fees or credit overpayment associated with this  
communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By:



William E. Anderson II

Registration No.: 37766

Date: November 24, 2003

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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to The Commissioner for Patenst, P.O. Box 1450, Alexandria, VA 22313-1450, on November 24, 2003.



Robin Peddieson



#22  
Rheft  
3/5/2004

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Group Art Unit:	2837 TERMINAL DISCLAIMER
APPROVED	

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Commissioner for Patents  
P.O. Box 1450

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MAR 05 2004

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**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Mathews, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/567,145, filed on May 9, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

November 24, 2003

Date



Signature

RENEE PRESTON *R.P.*  
PARALEGAL SPECIALIST  
TECHNOLOGY CENTER 2800

William E. Anderson II

Terminal disclaimer fee under 37 CFR 1.20(d) included.  
 PTO suggested wording for terminal disclaimer was  
  
 unchanged     changed ( if changed, an explanation should be supplied).

<b>Serial Number</b> 	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,253	MC PHERSON, MATH	

<b>TERMINAL DISCLAIMER</b>		<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:	6,060,650		
The term of this patent subsequent to the adjacent date has been disclaimed.			
<b>INTERNAL DOCUMENT – DO NOT MAIL</b>		Document Code - DISQ	

U.S. Patent and Trademark Office

----- TERMINAL DISCLAIMER -----  
APPLICATION: 09|852,253

RE: TERMINAL DISCLAIMER:

RELATED APPLICATION(S) 09|567,145,  
, HAS  
(HAVE) NOT ISSUED AS OF 3-5-2004.  
**DO NOT REMOVE NOTE UNTIL 09/567,145 HAS BEEN ISSUED A PATENT NUMBER  
AND DOCUMENTED IN FILE 09/852,253.**